

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 98-2651-CIV-DIMITROULEAS

CBS BROADCASTING, INC. et al.,

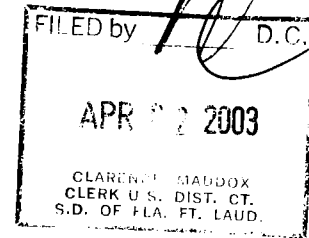
Magistrate Judge Seltzer

Plaintiffs,

vs.

ECHOSTAR COMMUNICATIONS  
CORPORATION, et al.,

Defendants.



**ORDER GRANTING PLAINTIFFS' MOTION TO STRIKE  
DEFENDANTS' DEMAND FOR A JURY TRIAL**

THIS CAUSE is before the Court upon Plaintiffs' Motion to Strike Defendants' Demand for a Jury Trial [DE 717] and EchoStar's Opposition to Plaintiffs' Motion to Strike Jury Demand [filed herein on April 2, 2002]. The Court has carefully considered the motion and is otherwise fully advised in the premises.

No right to a jury trial exists where the claims are purely equitable in nature. Ford v. Citizens and S. Nat'l Bank, 928 F.2d 1118, 1122 (11th Cir. 1991). In the present case, Counts II-V of EchoStar's Counterclaim were the only claims for damages. On March 24, 2003, this Court granted Plaintiffs' Motion for Summary Judgment on Counts II-V of EchoStar's Counterclaim. Plaintiffs seek only injunctive relief and attorney's fees. Count I of EchoStar's Counterclaim seeks a declaratory judgment. Therefore, there are no longer any claims for which there exists a right to trial by jury. The Court also declines to empanel an advisory jury pursuant to Federal Rule of Civil Procedure 39(c) as requested by EchoStar.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Motion to Strike Defendants' Demand for a Jury Trial [DE 717] is hereby

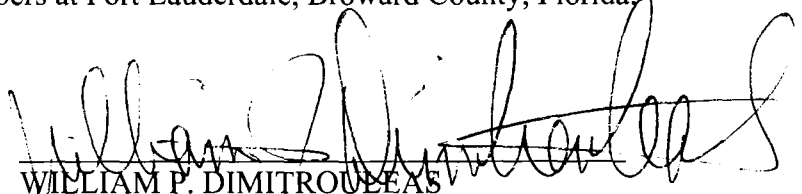
2651/98

**GRANTED;**

2. EchoStar's demand for a jury trial contained in the Answer and Counterclaim is hereby  
**STRICKEN.**

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida,

this 2 day of April, 2003.

  
WILLIAM P. DIMITROUKAS  
United States District Judge

copies to:

David M. Rogero, Esq.  
A. Stephen Hut, Jr., Esq.  
Kenneth M. Myers, Esq.  
Cynthia A. Rickets, Esq./Mark A. Nadeau, Esq.  
T. Wade Welch, Esq.  
John A. Burlingame, Esq.